

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
 BENCH AT NAGPUR
 CIVIL APPLICATION NO: 5320/2007
 IN
 FIRST APPEAL NO: 458/2007
 (Western Coalfields Ltd. vs. D. Baia alias Devendrakumar Baid)

 Office Notes, Office Memorandum of Coram
 appearances, Court's orders of directions and
 Registrar's orders.

Court's or Judges Order

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 Mr. [Samudra](#) Adv. for applicant
 Mr. [M.P.Khajanchi](#) Adv. for Respondent

CORAM: [A.P.LAVANDE & R.V.MORE, JJ.](#)

DATED: [02.08.2007](#).

1. Heard counsel for respective parties.
2. By this application, the respondent seeks withdrawal of amount of Rs. 9,25,901/- deposited by the appellant pursuant to order of stay of the decree passed by this Court in an appeal preferred by the appellant.
3. Having heard learned counsel for the parties and having considered respective submissions, we allow respondent to withdraw the said amount subject to following conditions:-

(i) Respondent shall furnish bank guarantee of any nationalised Bank in respect of 50 % of the amount and furnish security to the satisfaction of the Registrar (J) of this Court in respect of balance 50 % of the amount.,

(ii) Respondent shall keep the bank guarantee alive during pendency of First Appeal No. 458/2007 and for a period of three months after its disposal.

(iii) In case the appeal is wholly or partly allowed, respondent no.1 shall deposit the amount due in this Court within a period of 12 weeks from the date of judgment with interest thereon at the rate of 9% per annum and shall file an undertaking to that effect before withdrawal of the amount.

The application stands disposed of accordingly.

JUDGE

JUDGE

sahare